

TOWN OF NEWSTEAD  
ZONING BOARD OF APPEALS  
MINUTES of May 21, 2002

Present: Corky Keppler  
Clark Killian  
Bill Kaufman  
Don Folger, Code Enforcement Officer  
Christine Falkowski, Recording Secretary

Pledge of Allegiance to the Flag was foregone as the meeting took place in the conference room due to scheduling conflict with another event in the courtroom.

The Clerk read the previous minutes from February 19, 2002. Clark made a motion to approve the minutes, seconded by Bill and approved by all.

The public hearing was opened at 7:00 PM to hear comments for or against the request to allow construction of a wrap-around porch located at 12227 Clarence Center Road, owned by Deborah Swiderski. The porch will be 30 feet off the road whereas Code requires 65 feet.

The Clerk read proof of publication.

Deborah Swiderski and her builder presented the plans and noted that the porch will extend approximately 22 inches closer to the road than the existing porch is now.

No prior comments for or against had been received.

There being no one to speak further, Bill motioned to close the hearing at 7:10 PM, seconded by Clark, and all approved.

Clark made a motion to approve the request to allow construction of a wrap-around porch located at 12227 Clarence Center Road, owned by Deborah Swiderski, 30 feet off the road vs. 65 feet Code requirement.

The public hearing to hear comments for or against the request to allow a variance and special use permit for the operation of a canine boarding kennel by Melissa Liddick at 5475 Barnum Road, and owned by Thomas H. Habernack, Jr. The location is zoned C-2 whereas kennels are zoned R-A.

The Clerk read proof of publication.

Don Shonn, Attorney summarized the request, then departed. Ms. Liddick's purchase contract is contingent upon receiving this variance.

Mr. Ingalsbe, a neighbor, expressed concern over noise between the bike path traffic and the dogs. He was also representing his niece and nephew who are neighbors on Barnum too. Mr. Liddick stated that she will have a maximum of 12 kennels and is willing to add more plantings to create a buffer if requested to do so. She will have no breeding or grooming services.

Ms. Liddick and party left the meeting.

Don Folger reminded the Board that this is a use variance, not an area variance. Use variances must show hardship, then go the Planning Board for a special use permit the Town Board and another public hearing. He also read zoning regulation 100.100 C. (1) from the Code Book.

The Board will consider an alternative to possibly change the zoning for this property from C-2 to R-A.

Clark made a motion to table the vote on this matter until the next meeting on June 18<sup>th</sup>, to allow action by the full Board, seconded by Bill, and all approved.

There being no one to speak further, Clark motioned to close the hearing at 7:53 PM, seconded by Bill and all approved.

Respectfully submitted,  
Christine B. Falkowski,  
Recording Secretary